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SPECIAL CIVIL APPLICATION NO. 10805 OF 1994.

Date of Decision: 12.12.1995

FOR APPROVAL AND SIGNATURE

THE HON'BLE MR. JUSTICE N N MATHUR

1. Whether Reporters of local papers may be allowed to the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

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Civil Judge ?

Mr Rajendra Patel for Mr N C Shah, Advocate for the petitioner

Mr N N Pandya, AGp for the respondents.

CORAM ; N N MATHUR, J.

(December 12, 1995)

ORAL JUDGMENT

This Special Civil Application has been filed for directing the respondents to grant approval for the corresponding class of Standard IX with effect from June,

1992 and to release grant as per the Rules.

2. It appears that the petitioner's request for grant of permission for corresponding class of Standard IX has been refused by the District Education Officer vide his order dated 17/18.8.1992 - Annexure 'B'. On the face of it, the order is a non-speaking one it does not disclose any reason for refusing the permission.

3. Mr N N Pandya, learned AGP submits that the permission was refused for the year 1992-93 on account of financial constraints of the State Government. It is however, submitted that the petitioner's - subject school has been found eligible for consideration for the session 1994-95. He has also produced a letter dated 28.11.1994 in this regard, addressed by the Joint Director of District Education Office, Ahmedabad City.

4. Apparently, the impugned order dated 17/18.8.1992-Annexure 'B' being non-speaking order, is not sustainable in law and it deserves to be quashed.

5. In view of the aforesaid, this Special Civil Application is allowed. The order dated 17/18.8.1992 is quashed. Respondent No.2 is directed to pass a fresh speaking order within a period of two months from today. It may be stated that the subject-school has been found eligible for consideration for the academic session 1994-95 and as such a decision shall be taken for the said session within a period of three weeks from today. It is expected that the respondent authorities shall consider the matter for the session 1994-95 sympathetically and in its right perspective.

Rule made absolute as indicated above. Direct Service permitted.

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